

**BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA**

INQUIRY CONCERNING A JUDGE,  
No. 03-78, DENNIS MALONEY

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Case No. SC04-22

**RESPONSE TO FORMAL CHARGES**

*Answer*

Respondent, Honorable Dennis P. Maloney, hereby answers the formal charges against him as follows:

1. Respondent admits paragraphs 1, 2, 3, 4 and 6.
2. Respondent admits that portion of paragraph 5 stating that Respondent was in violation of Canon 2B, but denies that portion of paragraph 5 alleging that, under the facts and circumstances, Respondent should also be convicted of violating Canons 1 and 2A.

*First Affirmative Defense*

3. Respondent admits those facts that have been pled in the formal charges but wishes to proceed with the taking of evidence so that the Commission can recommend an appropriate penalty to the Florida Supreme Court after being fully aware of all relevant facts and circumstances in the case.

*Second Affirmative Defense*

4. Respondent has admitted that he was in error to the public (Exhibit A, "Judge Admits Error in DUI Intervention") and hereby admits error to this Commission. Canon 1 and Canon 2A are general precepts stating that a judge's conduct should not erode the public's confidence in the judiciary. Canon 2B and its commentary, to which Respondent admits guilt, contains the same general precept. Respondent should not be charged three times for the same acts that occurred during one incident that unfortunately has now become part of what otherwise has been a long and distinguished judicial career.

GIBSON, VALENTI & ASHLEY

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**Certificate of Service**

I hereby certify that the original of this Response to Formal Charges has been mailed to the Clerk of the Supreme Court, 500 South Duval Street, Tallahassee, FL 32399-1927, with copies to Hon. John P. Kuder, Chair, Judicial Qualifications Commission, Judicial Building, 190 Governmental Center, Pensacola, FL 32501; Thomas C. McDonald, Jr., Esq., 1904 Holly Lane, Tampa, FL 33629; Lansing C. Scriven, Esq., 442 W. Kennedy Blvd., Suite 280, Tampa, FL 33606; and to John Beranek, Esq., P.O. Box 391, Tallahassee, FL 32302, on this 2<sup>nd</sup> day of February, 2004.

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